

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIN R. MASON,

Defendant.

8:02CR62

ORDER

Defendant Darin R. Mason (Mason) appeared before the court on July 12, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 65). Mason was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Mason waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. The matter was set for a detention hearing for July 14, 2011.

In the meantime, an Amended Petition for Warrant or Summons for Offender Under Supervision was filed (Filing No. 75). On July 14, 2011, Mason appeared with Ms. Shanahan and requested a combined hearing on probable cause and detention on the Amended Petition. The hearing was scheduled for July 21, 2011. On July 21, 2011, Mason again appeared with Ms. Shanahan. The United States was represented by AUSA Higgins. Mason waived any further hearing on probable cause on the Amended Petition and declined to present any evidence on the issue of detention.

I find the Petition as amended alleges probable cause and that Mason should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp. Since it is Mason's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Mason has failed to carry his burden and that Mason should be detained pending a dispositional hearing before Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:00 p.m. on October 17, 2011**. Defendant must be present in person.

2. Defendant Darin R. Mason is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 21st day of July, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge